Texas Department of Insurance
Division of Workers' Compensation
Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
518-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name and Address

PINE CREEK MEDICAL CENTER
9032 HARRY HINES BLVD
DALLAS, TX 75235

Respondent Name
HARTFORD INS CO OF THE MIDWEST

Carrier's Austin Representative Box
Box Number 47

MFDR Tracking Number
M4-10-2263-02

MFDR Date Received
December 21, 2009

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Per Rule 133.4 Proper notification should be submitted to providers regarding any usage of any type of contracts. Failure of notifing provider payment then defaults to APC Rate/Fee Schedule."

Amount in Dispute: $5,320.94

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Pls see attached add'l due $1030.00 per Aetna."

Response Submitted by: Specialty Risk Services, 300 S. State St, Syracuse, NY 13202

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
September 14, 2009	Outpatient Services	$5,320.94	$ 0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.305 sets forth general provisions regarding dispute of medical bills.
2. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
3. Texas Insurance Code Chapter 1305 set outs the procedures for Workers' Compensation Health Care Networks.
4. The services in dispute were reduced/denied by the respondent with the following reason codes:

   Explanation of benefits dated October 28, 2009 and December 01, 2009
   - 217 – Based on payer reasonable and customary fees. No maximum allowable defined by legislated fee arrangement. Reduced to fair and reasonable.
   - W1 – Workers Compensation State Fee Schedule adjustment. Mar amount is greater than the charged as

per Texas Hospital Guidelines.

- W1 – Workers Compensation State Fee Schedule adjustment. This service is re-priced according to the TX Physician Fee Schedule.
- 199 – Revenue Code and Procedure code do not match. Thia revenue code must be billed with a correct procedure code per Rule 134.403(D).
- 97 – The benefit for this service is included in the payment/allowance for another svc/px that has already adjudicated. Payment included in APC rate per the TX Hospital Medicare Methodology per Rule 134.403(D).
- 45 – Charges exceed your contracted/legislated fee arrangement. The charges have been priced in accordance to your fee for service contract with First Health. If you have any questions please visit WWW.FIRSTHEALTH.COM or Call 800-937-6824.

Issues

1. Is the Requestor eligible for Medical Fee Dispute Resolution pursuant to 28 Texas Administrative Code §133.305 and §133.307?

Findings

1. This dispute was filed at the Texas Department of Insurance, Division of Workers' Compensation (Division), Medical Fee Dispute Resolution section on December 21, 2009 for resolution pursuant to 28 Texas Administrative Code §133.307.

   28 Texas Administrative Code §133.305 (a)(4) defines a Medical Fee Dispute as "A dispute that involves an amount of payment for non-network health care rendered to an injured employee (employee) that has been determined to be medically necessary and appropriate for the treatment of that employee's compensable injury." Non-network health care is defined in Section (a)(6) of the same rule as "Health care not delivered, or arranged by a certified workers' compensation health care network as defined in Insurance Code Chapter 1305 and related rules…" 28 Texas Administrative Code §133.307 (a)(1) similarly states that "This section applies to a request for medical fee dispute resolution for non-network or certain authorized out-of-network health care…" Therefore, pursuant to 28 Texas Administrative Code §133.307, the Divisions Medical Fee Dispute Resolution section may not address fee disputes involving health care delivered, or arranged by a certified network as defined by Insurance Code Chapter 1305, but may resolve disputes involving certain authorized out-of-network health care.

   Out-of-network health care is defined in Insurance Code Chapter 1305, section 1305.006 titled Insurance Carrier Liability for Out-of-Network Health Care. No documentation was found to support that the health care in dispute is authorized, out-of-network health care pursuant to Insurance Code Chapter 1305. Therefore, the dispute may not be resolved pursuant to 28 Texas Administrative Code §133.307, and Medical Fee Dispute Resolution is not the appropriate venue for resolution of the dispute filed by the requestor.

Conclusion

For the reasons stated above, the Division concludes that Medical Fee Dispute is not the appropriate venue for resolution of the issued raised by the requestor. As a result, the amount ordered is $0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to $0.00 reimbursement for the disputed services.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	6/28/12 Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box

17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party**.

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.